

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

In re:

AGWAY FARM & HOME SUPPLY, LLC,<sup>1</sup>

Debtor.

Chapter 11

Case No. 22-10602 (JKS)

**Objection Deadline: May 15, 2023 at 4:00 p.m. (ET)**

**SUMMARY OF TENTH MONTHLY FEE APPLICATION OF SHULMAN BASTIAN  
FRIEDMAN & BUI LLP, BANKRUPTCY COUNSEL TO THE DEBTOR, FOR  
ALLOWANCE OF COMPENSATION AND REIMBURSEMENT OF EXPENSES FOR  
THE PERIOD FROM APRIL 1, 2023 THROUGH APRIL 30, 2023**

Name of Applicant:

Shulman Bastian Friedman & Bui LLP

Authorized to Provide  
Professional Services to:

Debtor and Debtor in Possession

Date of Retention:

July 5, 2022 (effective July 5, 2022)

Period for which compensation  
and reimbursement is sought:

April 1, 2023 through April 30, 2023

Amount of Compensation sought as  
actual, reasonable and necessary  
legal services rendered:

\$11,563.00

Amount of Expense Reimbursement  
sought as actual, reasonable and  
necessary:

\$0.00

This is a(n):      X   monthly               interim           final application

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<sup>1</sup> The last four digits of the Debtor's federal tax identification number are 1247. The Debtor's address is 6606 W. Broad Street, Richmond, VA 23230.

**PRIOR APPLICATIONS FILED**

<b>Dated Filed</b>	<b>Period Covered</b>	<b>Requested</b>		<b>Approved</b>	
		<b>Fees</b>	<b>Expenses</b>	<b>Fees</b>	<b>Expenses</b>
08/08/2022	7/5/2022 – 7/31/2022	\$89,666.00	\$41.05	\$89,666.00 (100%)	\$41.05 (100%)
09/08/2022	8/1/2022 – 8/31/2022	\$55,401.00	\$19.50	\$55,401.00 (100%)	\$19.50 (100%)
10/6/2022	9/1/2022 – 9/30/2022	\$32,427.50	\$0.00	\$32,427.50 (100%)	\$0.00 (100%)
<b>TOTAL</b>				<b>\$177,494.50</b>	<b>\$60.55</b>
11/7/2022	10/1/2022 – 10/31/2022	\$55,724.00	\$86.60	\$44,579.20 (80%)	\$86.60 (100%)
12/5/2022	11/1/2022 – 11/30/2022	\$32,389.50	\$64.60	\$25,911.60 (80%)	\$64.60 (100%)
1/5/2023	12/1/2022 – 12/31/2022	\$19,630.00	\$65.10	\$15,704.00 (80%)	\$65.10 (100%)
2/6/2023	1/1/2023 – 1/31/2023	\$18,124.50	\$5.69	\$14,499.60 (80%)	\$5.69 (100%)
3/6/2023	2/1/2023 – 2/28/2023	\$14,886.50	\$23.83	\$11,909.20 (80%)	\$23.83 (100%)
4/5/2023	3/1/2023 – 3/31/2023	\$20,913.00	\$0.00	\$16,730.40 (80%)	\$0.00 (100%)

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**TENTH MONTHLY FEE APPLICATION OF SHULMAN BASTIAN FRIEDMAN &  
BUI LLP, BANKRUPTCY COUNSEL TO THE DEBTOR, FOR ALLOWANCE OF  
COMPENSATION AND REIMBURSEMENT OF EXPENSES FOR THE PERIOD  
FROM APRIL 1, 2023 THROUGH APRIL 30, 2023**

Shulman Bastian Friedman & Bui LLP (“SBFB”), general bankruptcy counsel to Agway Farm & Home Supply, LLC, the debtor and debtor in possession (the “Debtor”), hereby submits its monthly fee application (the “Application”) for entry of an order pursuant to section 331 of title 11 of the United States Code, 11 U.S.C. §§101 et seq., as amended (the “Bankruptcy Code”) granting interim compensation in the amount of \$11,563.00 and reimbursement of expenses in the amount \$0.00 for the period from April 1, 2023 through April 30, 2023 (the “Compensation Period”), and in support thereof, SBFB respectfully represents as follows:

**JURISDICTION AND VENUE**

1. This Court has jurisdiction over this Application pursuant to 28 U.S.C. §1334. This is a core proceeding pursuant to 28 U.S.C. §157(b)(2)(A) and (B).

2. Venue of this proceeding and this Application is proper in this District pursuant to 28 U.S.C. §§1408 and 1409.

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<sup>1</sup> The last four digits of the Debtor’s federal tax identification number are 1247. The Debtor’s address is 6606 W. Broad Street, Richmond, VA 23230.

3. The statutory predicate for the relief sought herein is section 331 of the Bankruptcy Code.

### **BACKGROUND**

4. On July 5, 2022 (the “Petition Date”), the Debtor filed a voluntary petition with the United States Bankruptcy Court for the District of Delaware (the “Court”) for relief under chapter 11 of the Bankruptcy Code. The Debtor continues as a debtor-in-possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code while it completes its dissolution and winddown. On July 18, 2022, an official committee of unsecured creditors (the “Committee”) was appointed in this case. On November 9, 2022, a first amended notice of appointment of an official committee of unsecured creditors was filed. No trustee or examiner has been appointed.

5. On July 13, 2022, the Debtor filed a Motion for Order Establishing Procedures for Interim Compensation and Reimbursement of Expenses of Professionals (the “Administrative Compensation Motion”) [D.I. 54]. The deadline for filing objections to the Administrative Compensation Motion was 4:00 p.m. (ET) on July 27, 2022. No objections to the Administrative Compensation Motion were filed and on August 2, 2022 the Debtor submitted its Certification of Counsel and proposed form of order approving the Administrative Compensation Motion [D.I. 103]. On August 3, 2022, this Court entered an Order granting the Administrative Compensation Motion [D.I. 114].

6. On July 13, 2022, the Debtor filed an application seeking the retention and employment of Shulman Bastian Friedman & Bui LLP as bankruptcy counsel for the Debtor nunc pro tunc to the Petition Date [D.I. 50]. On August 3, 2022, this Court entered an Order

[D.I. 112] approving the retention of SBFB as bankruptcy counsel to the Debtor nunc pro tunc to the Petition Date.

7. Attached hereto as **Exhibit A** is a full and detailed statement describing the services rendered by each professional and paraprofessional at SBFB during the Compensation Period.

8. To apprise this Court of the legal services provided during the Compensation Period, SBFB sets forth the following summary of legal services rendered. The summary is intended only to highlight the general categories of services performed by SBFB on behalf of the Debtor; it is not intended to set forth each and every item of professional services which SBFB performed.

- **Estate Analysis**

This category includes time expended by SBFB in connection with addressing potential collection actions, including review and analysis of issues related to collection of outstanding accounts receivable and multiple conferences and correspondence related to same, and reviewing potential settlements with various parties. This category also includes negotiations relating to settlement with Pughtown Farm Center Inc., including the preparation of a settlement agreement and motion to approve the same.

SBFB expended 11.10 hours of time for a charge of \$3,197.50 for services rendered with respect to matters relating to estate analysis.

- **Asset Disposition**

This category includes time expended by SBFB in connection with asset disposition. Such services included but are not limited to the following: (1) address issues and correspondence relating to potential sale of receivables to a third party; (2) address various lease

issues, including communications relating to CIT's lease and collateral; and (3) correspondence with CIT relating to Dell computers.

SBFB expended 3.20 hours of time for a charge of \$1,005.00 for services rendered with respect to matters relating to asset disposition.

- **Case Administration**

This category includes time expended by SBFB in connection with (1) reviewing the Debtor's monthly operating report and communications addressing same, (2) addressing issues re updated tax and state filings, (3) addressing issues and communications with various parties addressing final wind down efforts and tasks, (4) review and comments relating to weekly disbursements for operation, and (5) attending to various case administrative matters, calendaring of hearings and various related deadlines, and updating and maintaining case files.

SBFB expended 3.60 hours of time for a charge of \$1,761.50 for services rendered with respect to matters relating to case administration.

- **Claims Administration and Objections**

This category includes addressing issues relating to the review and analysis of the claim filed by Command Link.

SBFB expended 1.50 hours of time for a charge of \$889.50 for services rendered with respect to matters relating to claims administration and objections.

- **Employee Benefits and Pension**

This category includes communications and addressing issues relating to benefit payments and next steps regarding same.

SBFB expended .20 hours of time for a charge of \$139.00 for services rendered with respect to matters relating to employee benefits and pension.

- **Fee Application**

This category includes time expended by SBFB in connection with reviewing and revising invoices in preparation of monthly fee applications, addressing issues relating to monthly fee applications, preparation of SBFB's March monthly fee application and in commencing drafting of this monthly fee application of SBFB. This category also includes reviewing fee applications of other professionals in the case. Lastly, this category includes time in drafting of SBFB's second interim fee application.

SBFB expended 4.90 hours of time for a charge of \$1,735.50 for services rendered with respect to matters relating to fee application.

- **Plan and Disclosure Statement**

This category includes time expended by SBFB in connection with review and analysis relating to the Debtor's plan, including review and addressing issues relating to liquidation analysis. This category further includes the preparation/revisions to a motion to approve solicitation and balloting procedures and addressing issues relative to same. Lastly, this category includes addressing issues relating to exclusivity and providing comments and revisions to a motion to further extend exclusivity periods.

SBFB expended 4.80 hours of time for a charge of \$2,835.00 for services rendered with respect to matters relating to plan and disclosure statement.

9. The total sum due to SBFB for professional services rendered on behalf of the Debtor during the Compensation Period is \$11,563.00. SBFB submits that the professional services it rendered on behalf of the Debtor during this time were reasonable and necessary.

10. SBFB incurred \$0.00 of expenses during the Compensation Period. A chart detailing the specific disbursements is attached hereto as **Exhibit B**.

11. The undersigned hereby attests that he/she has reviewed the requirements of Local Rule 2016-1 and this Application conforms to such requirements, including that copying charges were only \$.10 per page.

**WHEREFORE**, SBFB hereby requests pursuant to the procedures allowed in the Administrative Compensation Order: (i) interim allowance of compensation for necessary and valuable professional services rendered to the Debtor in the amount of \$11,563.00 and reimbursement of expenses in the amount of \$0.00 for the period from April 1, 2023 through April 30, 2023; (ii) payment in the total amount of \$9,250.40 (representing 80% of the total fees (\$9,250.40) billed and 100% of the expenses \$0.00 incurred during the Application Period); and (iii) such other relief as this Court deems just and proper.

Dated: May 5, 2023

**MORRIS JAMES LLP**

/s/ Brya M. Keilson

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-and-

**SHULMAN BASTIAN FRIEDMAN & BUI  
LLP**

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*Counsel for the Debtor and Debtor in Possession*

**VERIFICATION**

Melissa D. Lowe, after being sworn according to law, deposes and says:

- a) I am a partner with the law firm of Shulman Bastian Friedman & Bui LLP.
- b) I have personally performed or am familiar with the services rendered by SBFB,  
as counsel to the Debtor.
- c) I have reviewed the foregoing Fee Application and the facts set forth therein are  
true and correct to the best of my knowledge, information and belief. Moreover, I have reviewed  
Local Rule 2016-2, and submit that the Fee Application complies with such Rule.

Dated: May 5, 2023

/s/ *Melissa D. Lowe*  
Melissa D. Lowe